

**Calendar No. 122**118TH CONGRESS  
1ST SESSION**S. 199****[Report No. 118-50]**

To codify the authority of the Secretary of Agriculture and the Secretary of the Interior to conduct certain landscape-scale forest restoration projects, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 1, 2023

Mr. DAINES (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 11, 2023

Reported by Mr. MANCHIN, without amendment

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**A BILL**

To codify the authority of the Secretary of Agriculture and the Secretary of the Interior to conduct certain landscape-scale forest restoration projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Root and Stem Project  
3 Authorization Act of 2023”.

4 **SEC. 2. ROOT AND STEM PROJECTS.**

5 (a) DEFINITIONS.—In this section:

6 (1) COLLABORATIVE PROCESS.—The term “col-  
7 laborative process” means a process that—

8 (A) includes multiple interested persons  
9 representing diverse interests; and

10 (B)(i) is transparent and nonexclusive; or

11 (ii) meets the requirements for a resource  
12 advisory committee under subsections (c)  
13 through (f) of section 205 of the Secure Rural  
14 Schools and Community Self-Determination Act  
15 of 2000 (16 U.S.C. 7125).

16 (2) FEDERAL LAND.—The term “Federal land”  
17 means—

18 (A) land of the National Forest System (as  
19 defined in section 11(a) of the Forest and  
20 Rangeland Renewable Resources Planning Act  
21 of 1974 (16 U.S.C. 1609(a))); and

22 (B) public lands (as defined in section 103  
23 of the Federal Land Policy and Management  
24 Act of 1976 (43 U.S.C. 1702)).

25 (3) SECRETARY CONCERNED.—The term “Sec-  
26 retary concerned” means, as applicable—

1 (A) the Secretary of Agriculture, acting  
2 through the Chief of the Forest Service; or

3 (B) the Secretary of the Interior, acting  
4 through the Director of the Bureau of Land  
5 Management.

6 (b) LIST OF CONTRACTORS.—The Secretary con-  
7 cerned shall—

8 (1) maintain a list of non-Federal, third-party  
9 contractors that the Secretary concerned can hire in  
10 each State to complete the analysis described in sub-  
11 section (c)(1); and

12 (2) not later than 180 days after the date of  
13 enactment of this Act, and every 3 years thereafter,  
14 submit to the Committee on Energy and Natural  
15 Resources of the Senate and the Committee on Nat-  
16 ural Resources of the House of Representatives a  
17 copy of the list described in paragraph (1).

18 (c) AGREEMENTS.—If a person submits to the Sec-  
19 retary concerned a proposal for a project on Federal land  
20 that was developed through a collaborative process and  
21 that meets local and rural community needs, the Secretary  
22 concerned may enter into an agreement with the person,  
23 under which—

24 (1) the person initially provides to the Secretary  
25 concerned all, or a portion of, the funding necessary

1 to complete any analysis that the Secretary con-  
2 cerned determines to be necessary under Federal  
3 law, including the National Environmental Policy  
4 Act of 1969 (42 U.S.C. 4321 et seq.) and the En-  
5 dangered Species Act of 1973 (16 U.S.C. 1531 et  
6 seq.), for the consideration of the proposed project;

7 (2) the Secretary concerned uses the funding  
8 provided under paragraph (1) to pay a contractor in-  
9 cluded on the list maintained under subsection  
10 (b)(1) to conduct the analysis described in para-  
11 graph (1);

12 (3) on completion of the analysis described in  
13 paragraph (1), if the Secretary concerned makes a  
14 decision to proceed with the project, the Secretary  
15 concerned—

16 (A) solicits bids to carry out the project;

17 and

18 (B) enters into a contract or agreement  
19 under section 604 of the Healthy Forests Res-  
20 toration Act of 2003 (16 U.S.C. 6591c) to  
21 carry out the project; and

22 (4) using any receipts described in subsection  
23 (d)(1), the Secretary concerned, to the maximum ex-  
24 tent practicable, repays to the person the funding  
25 initially provided under paragraph (1).

1 (d) ADDITIONAL RELATED AUTHORITIES.—

2 (1) USE OF RECEIPTS.—Any receipts that are  
3 generated by a project described in subsection (c)  
4 that are normally deposited in the General Fund of  
5 the Treasury shall be available for expenditure by  
6 the Secretary concerned, without further appropria-  
7 tion or fiscal year limitation, for the use described  
8 in subsection (c)(4).

9 (2) CONTRACTORS.—The Secretary concerned  
10 may noncompetitively hire a contractor included on  
11 the list maintained under subsection (b)(1) to con-  
12 duct the analysis described in subsection (c)(1).

13 (e) SAVINGS CLAUSES.—

14 (1) AUTHORITY OF THE SECRETARY CON-  
15 CERNED.—The Secretary concerned shall—

16 (A) determine the sufficiency of any docu-  
17 ments prepared by a contractor under sub-  
18 section (c)(2); and

19 (B) retain responsibility for any author-  
20 izing decision relating to a proposed project de-  
21 scribed in subsection (c).

22 (2) REVIEW AND APPROVAL OF INDEPENDENT  
23 THIRD PARTIES.—The Secretary concerned shall  
24 verify that there is no conflict of interest between—

1 (A) a person that submits a proposal  
2 under subsection (c); and

3 (B) a contractor that the Secretary con-  
4 cerned hires under paragraph (2) of that sub-  
5 section to carry out an analysis with respect to  
6 that proposal.

7 (3) ADMINISTRATIVE COSTS.—The Secretary  
8 concerned—

9 (A) shall only use the funding provided to  
10 the Secretary concerned under subsection (c)(1)  
11 to pay a contractor pursuant to subsection  
12 (c)(2); and

13 (B) shall not use any portion of the fund-  
14 ing provided to the Secretary concerned under  
15 subsection (c)(1) to cover any other expense or  
16 cost incurred by the Secretary concerned, in-  
17 cluding administrative costs.

18 (4) LIMITATIONS ON REIMBURSEMENTS.—If in-  
19 sufficient receipts are generated by a project de-  
20 scribed in subsection (c) to reimburse the person  
21 that provided funding under paragraph (1) of that  
22 subsection, the Secretary concerned shall not provide  
23 additional funding to the person.

24 (f) PROMOTION.—Not later than 60 days after the  
25 date of enactment of this Act, the Secretary concerned

1 shall provide guidance to each local field office of the Sec-  
2 retary concerned for—

3           (1) making stakeholders aware of the authority  
4           under this Act; and

5           (2) encouraging use of that authority to meet  
6           land management goals.

7           (g) TREATMENT OF COLLABORATIVE MEMBERS.—

8 For purposes of a civil action relating to a project de-  
9 scribed in subsection (c), any person that participated in  
10 the collaborative process to develop the proposal for the  
11 project shall be—

12           (1) entitled to intervene, as of right, in any sub-  
13           sequent civil action; and

14           (2) considered to be a full participant in any  
15           settlement negotiation relating to the project.

16           (h) SUNSET.—The requirements described in sub-  
17 section (b) and the authority to enter into an agreement  
18 under subsection (c) shall expire on January 1, 2033.

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1<sup>ST</sup> Session

**S. 199**

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